

Exhibit A



Heart-Hunters Consulting

Expert Report of Valerie B. Cooper

May 2, 2022

Cat and Dogma LLC v. Target Corporation,
19-cv-01002-LY (W.D. Tex.)

**Exhibit
D46**



INTRODUCTION

Valerie B. Cooper of Heart-Hunting Consulting ("HHC") has been engaged by Sanders Law Group ("Counsel") to consult on behalf of its client Cat and Dogma LLC ("C&D"), the named plaintiff in the case of *Cat and Dogma LLC v. Target Corporation*, bearing civil case number 1:19-cv-01002-LY pending in the United States District Court for the Western District of Texas (Austin Division) (the "Action").

My analysis and opinions are based on the information and documents I have received as of the date of this report, May 2, 2022. A listing of the documents relied upon in developing this report is provided at Exhibit A. I reserve the right and intend to amend, and supplement this report upon the receipt of additional information, data, or deposition testimony as that information is provided to me.

My qualifications are summarized by my curriculum vitae, which is provided at Exhibit B. I have not authored any publications in the last ten years, nor have I testified as an expert witness at trial or deposition during the past four years. My qualifications to testify as an expert in this Action consist of over 45 years of hands-on experience in the garment industry analyzing the design, pre-production, manufacturing and sales of fashion and apparel garments. This includes forensic analysis of the visual and technical similarities between potentially competing designs, feasibility studies, quality assurance, troubleshooting for ongoing ventures, sourcing, prototyping, pre-production engineering, and production analysis. My professional experience includes litigation support consulting. I hold an Associate Degree in Fashion Merchandising from the Fashion Institute of Design and Merchandising in Los Angeles, California, where I graduated with the President's Award in Merchandising and was a member of F.A.M.E. (Fashion Achievement Merchandising Excellence).

In connection with this report, I was asked to review the copyrighted designs of C&D's fashion garments and render an opinion concerning their originality. I was also asked to render an opinion as to whether Target had access to C&D's designs. Finally, I conducted a forensic analysis comparing C&D's designs and Target's allegedly infringing garments. For this report, I have not been asked to assess the actual damages sustained by C&D as a result of Target's alleged infringement, nor have I been asked to calculate Target's profits attributable to the alleged infringement. Further, I have not been asked to verify the accuracy of any information provided to me or HHC.

I am being compensated for this report at a rate of \$245.00 per hour for consultations with attorneys, research and preparation of documents. For depositions, my hourly rate is \$320.00/hr. For trial testimony, my rate is \$340.00/hr. I also charge \$180.00/hr. for travel time.



The analysis and opinions in this report are based upon the documents and information reviewed as of the date of this report, as well as my professional experience in the garment industry. I reserve the right and intend to revisit this analysis and amend these conclusions when additional information and/or documents become available for review. I further reserve the right to respond to opinions and issues presented by any other experts in the Action. Finally, I reserve the right to use demonstratives and other exhibits to present the opinions expressed in this report or any supplemental, amended or rebuttal report.

BACKGROUND

The Parties

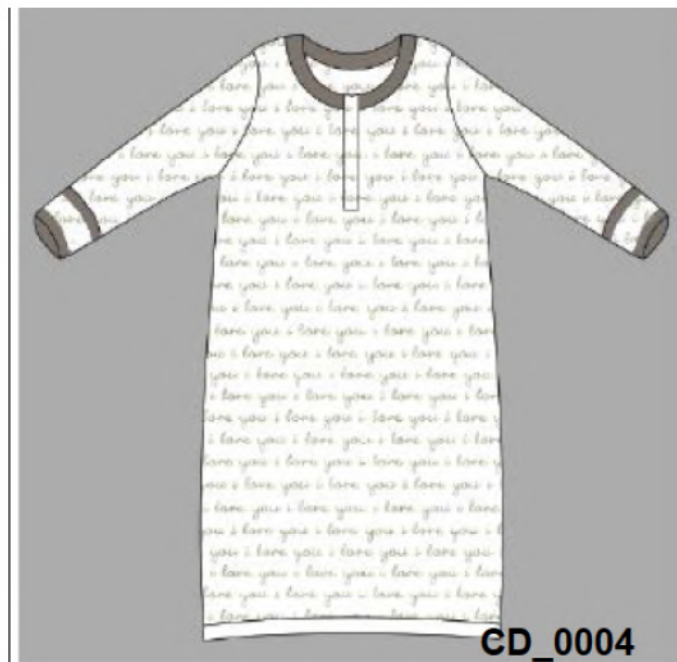
Plaintiff Cat and Dogma LLC is a children's clothing company founded by single mom Adrian Layne in 2015. The company is based in Austin, Texas. C&D markets garments for babies and young children, including nightgowns, pajamas, bodysuits, onesies, rompers and other children's wear. C&D operates a website at www.catanddogma.com and distributes its products on Amazon.com. C&D's products are also distributed in boutique retail stores throughout the United States. [PX 20]

Defendant Target Corporation is a "big box" retail stores that is headquartered in Minneapolis, Minnesota. Target is the largest retailers in the United States, operating in more than 1920 retail stores. It also maintains an e-commerce site at www.Target.com. Like C&D, Target markets garments intended for babies and young children. [PX 18, 19]

C&D's Registered Designs

I understand this Action involves claims that C&D is the owner of two copyrighted designs registered by the U.S. Copyright Office. [PX 1 (¶¶ 11-31)]

Design No. 1, which is registered under no. VA-2-172-249, is a nightgown or pajama-type garment which embodies the phrase "i love you" imprinted on the garment in lowercase cursive text and repeated in a distinctive visual pattern 3-6 times horizontally and 23-20 times vertically across the entirety of the garment. [PX 15]



Design No. 2, which is registered under no. VA-2-177-819, is or bodysuit-type garment, often referred to as a “onesie” which embodies the phrase “i love you” imprinted on the garment in lowercase cursive text and repeated in a distinctive visual pattern 3-6 times horizontally and 20-27 times vertically across the entirety of the garment. [PX 16]





Each of C&D's registered designs employs the phrase "i love you" in a lowercase cursive typefont and repeated through a linear stripe pattern through each garment.

Target's Allegedly Infringing Garments

The Second Amended Complaint alleges that Target employed Design No. 1 and Design No. 2 on its own line of children's garments. [PX 1 (¶¶ 32-58)]

Design No. 1

Target utilized C&D's Design No. 1 in connection with at least 23 nightgown-type products, or "DCPIs". These product offerings consist of eight garment styles offered in various different sizes (e.g., Newborn, 0-3 Months, 3-6 Months, 6-9 Months, 12 Months), as listed below.

	DCPI	Size Options	Style
1	206-05-0076	1	Open Bottom Nightgown - Komono Style
2	206-05-0704 206-05-0705	2	Open Bottom Nightgown
3	206-05-3689 206-05-3690 206-05-3691 206-05-3692	4	Footsie Nightgown
4	206-05-2925 206-05-2926 206-05-2927	3	Nightgown w/ Pants
5	206-05-5073 206-05-5982 206-05-7205 206-05-8190	4	Green Footed Nightgown
6	206-05-8045	1	Green Romper
7	206-05-7504 206-05-6339	4	Navy Footsie Nightgown



	DCPI	Size Options	Style
	206-05-3618 206-05-8219		
8	206-05-9381 206-05-7255 206-05-7598 206-05-6745	4	Coral Footsie Nightgown

Design No. 2

Target utilized C&D's Design No. 2 in connection with ten bodysuit-type products, or "DCPIs". These ten products consist of two garment styles offered in five different sizes (Newborn, 0-3 Months, 3-6 Months, 6-9 Months, 12 Months), as set forth below.

	DCPI	Size Options	Style
1	206-05-0502 206-05-0503 206-05-0504 206-05-0505 206-05-0506	5	Long Sleeve Onesie / Bodysuit
2	206-05-1484 206-05-1485 206-05-1487 206-05-1488	5	Short Sleeve Onesie / Bodysuit

Relevant Dates

Based on the information provided by Target, the allegedly infringing garments were primarily marketed by Target from February 2019 through January 2022. It is my understanding that, with limited exception, Target is no longer offering the allegedly infringing garments for sale.



1. ORIGINALITY OF C&D'S DESIGNS

Based on my own legal research, it is my understanding that the selection and arrangement of non-copyrightable elements, such as the common English phrase “i love you”, may be subject to copyright protection if the graphic arrangement of the phrase is the result of artistic decision-making. Such was the finding in the matter of *Folio Impressions, Inc. v. Byer California*, 937 F.2d 759 (2d Circ. 1991) which I found published on-line at <https://casetext.com/case/folio-impressions-inc-v-byer-california>.

In *Folio Impressions*, the U.S. Court of Appeals for the Second Circuit determined that a fabric design consisting of roses, which were available in the public domain, could be deemed sufficiently original for copyright protection. This was because the graphic arrangement of the roses repeated in horizontal rows on the fabric was a result of “artistic decisionmaking” rather than “manufacturing ease.” Because the law requires at a minimum that an “unmistakeable dash of originality need be demonstrated”, the arrangement of the *Folio* rose was deemed original by the Court even though such arrangement consisted of “elemental symmetry” and “required little creative input.”¹

Likewise, in the present Action, I recognize that the phrase “i love you” is not itself copyrightable when taken in isolation. But when the phrase is organized and arranged in repeating horizontal rows throughout the face of garment, then such graphic artwork may be deemed original by virtue of its visual layout, arrangement and overall format.

When considering whether C&D's designs are original, I view the graphic as artwork, first and foremost, that is then imprinted onto the contours of a particular garment. The graphic artwork must therefore be viewed not in isolation as just standalone text, but configured into a particular formation which takes on the shape of the garments at issue.

Thus, for example, the copyright registration for Design No. 1 [PX 15 (CD_0002-4)] entitled “ILoveYouGown” covers “2D artwork design”. The deposit copy at CD_0004 shows an artistically rendered graphic displaying a cursive handwriting in lower case letters. The stylized phrase “i love you” is repeated in horizontal linear rows, in a particular size and scale. I conclude that this was the result of artistic decision-making because the phrase “I love you” could been displayed in a myriad of different typefonts, formats and configurations.

¹ It is also my understanding, having reviewed the Fifth Circuit's decision in this Action, that the court recognizes that designs may be copyrightable based on their graphic layout and arrangement.

With respect to Design No. 2, the concept is similar to Design No. 1, but the graphic artwork is in the alternate shape of a bodysuit or “onesie”. [PX 16 (CD_0024-27)]

In my opinion, Design No. 1 and Design No. 2 are original in their expression because of the artistic choices made which create an impression that is unique to C&D’s registered designs. C&D’s artwork, particularly when displayed in the context of baby garments, evokes an emotional response and sentimental feeling that certainly resonates amongst parents or families of the children who wear C&D’s garments.

As illustrated below, graphic artwork featuring the phrase “i love you”, as configured into the shape of a child’s nightgown garment, could be framed and hung on the wall in a baby’s room. In other words, the graphic artwork can stand separate and apart from the utilitarian use of the garment (even though the design is configured into the shape of identifiable garments).





2. TARGET'S ACCESS TO C&D'S DESIGNS

In my professional experience, which spans over 45 years in the garment industry, it is common for large retail chain department stores and “big box” retailers such as Target to “Knock Off” designs that have already achieved a level of popularity in the consumer market. For example, back in 1977, my first job after graduating from F.I.D.M. in Los Angeles was to work for a large well known department store. My starting position was as an executive trainee, which was considered a path to becoming a buyer from private label manufacturers. The first thing we were taught was to research our competition at the department store level and determine what brands and products were “Hot”.

Since then, not much has changed as largescale retailers continue to research the garment designs that are selling well in independent market channels, such as boutique stores. Once the larger retail outlets such as Target determine what’s “Hot” in the national market, they will take those garments back to their in-house labs and attempt to “reverse engineer” the artwork. In other words, Target intentionally copies the pre-existing designs in order to capitalize on their proven



success. Because Target seeks to evoke the same overall aesthetic appeal of the original works, Target attempts to copy as much of the original works as possible, but seeks to avoid making exact carbon copies.

Instead, Target's internal design team will make only minor variations to the original designs before adding the products to their own private label brand. In my experience, such minor design variations to the original artwork are intended by Target to avoid infringement lawsuits.

Indeed, it is a common practice to reverse engineer "with modifications" in the garment industry. The "with modifications" aspect of this practice is a thinly veiled attempt to make this practice acceptable. The fact is that each letter of the "I love you" phrase embodied in C&D's artwork was modified by Target just enough to avoid being viewed by a discerning eye as an exact carbon copy. But the modifications employed by Target to C&D's designs were extremely slight, which shows that Target did not want to alter the overall aesthetic appeal of C&D's designs. Of course, this is because Target sought to capitalize on the widespread appeal of C&D's products.

According to Malcolm Gladwell, author of the New York Times bestseller *Blink: The Power of Thinking Without Thinking*, "Buyers make most decisions by relying on their two-second first impressions based on stored memories, images and feelings." See https://en.wikipedia.org/wiki/Blink:_The_Power_of_Thinking_Without_Thinking. In my experience, the "two second rule" referenced by Gladwell has become the industry standard in modern internet marketing. This applies to children's garments.

It is this expert's opinion that Target had prior knowledge of the market performance of C&D's "I love you" designs. Based on the two second rule, Target sought to design its garments in virtually identical manner to C&D's in order evoke the same impression upon consumers as C&D's designs. With aforethought and plain intent, Target modified C&D's designs just enough to maintain the two second first impression rule.

I would now like to explain what private label is regarding stores such as Target. I copied and pasted the following quote from Target's Corp. website: <https://corporate.target.com/about/products-services/Target-Brands>

"There's something for everybody to love at Target, with more than 45 private labels (we call them 'owned brands') to choose from. Differentiating with owned brands and a curated selection of national



brand products is core to our strategy, and what guests expect from Target.”

Private label programs can work two ways. One way is for largescale retailers to buy already existing styles from a factory that mass produces basics such as tee shirts and underwear. The big box retailer will then request that their own private label be sewn, heat stamped or screened onto the garments. The second way largescale retailers operate is to implement their own internal team to develop designs and develop products. Target employs their own “Product Design and Development” team to carry out this function. Target’s design department will utilize a team that will go out and research the existing consumer market according to the classification for which they are designing.

In the present Action, it is my opinion that Target conducted market research according to a baby and toddler classification. In addition to my professional knowledge of how the garment industry operates, my opinion is formed by the fact that Target elected to use the phrase “i love you” in a virtually identical manner to C&D in the context of baby gowns and onesies. This allows me to conclude that Targets’ team saw C&D’s designs for sale and sought to reproduce C&D’s graphic artwork in the same category of children’s garments.

Every year, I attend the garment industry event known as MAGIC, which is one of the largest sourcing events in the United States.

See <https://www.sourcingatmagic.com/en/home.html>. A company called Panijva often participates as a vendor at MAGIC. See <https://panijva.com/platform>. An excerpt from Panijva’s website reads:

“Track your Competitors' Imports and Exports.
Gain visibility into the import and export activity of your competitors,
your partners, and your prospects – all in one place.”

<https://panijva.com/buyers>

This Panijva platform is not new. All of the department stores and big box retailers such as Target use this type of “intelligence” to track “Hot” products in the existing consumer market. Any member of Target’s design and development team would merely need to view C&D’s garment on-line, in stores or at an industry trade show. Then, Target’s staff could type the name of the company, Cat and Dogma, into the Panijva database. This will allow anyone to see how C&D’s products are performing in the marketplace, such as how many shipments were being processed by C&D and which factories were being employed to manufacture the garments. The shipping records are publicly available information. Lists of stores that carry C&D’s line can also be obtained from similar data bases.



While depositions of Target's design team will provide useful information to bolster the conclusions set forth in this section of my report, it is highly likely that Target sent members of its design team, or independent contractors in the area of market research, to trade shows where they viewed C&D's designs. [PX 14] C&D's on-line presence via its own website, as well as on Amazon.com, was also well-established for years before Target began marketing its knock-off versions of C&D's designs. Thus, if Target's team saw an appealing design on-line, it would be easy to secure the SKU number, which stands for "Stock Keeping Unit." A retailer typically uses SKUs to identify their business' inventory. See <https://www.shopify.com/retail/what-is-a-sku-number>.

Target's development team could also utilize intelligence-based software to scan the internet for popular products sold by its competitors. I will now explain in detail how this works. C&D has been selling on Amazon.com as far back as 2015. By selling on Amazon they are an FBA seller. "An FBA seller is an e-commerce business that sells in Amazon's store and outsources inventory management to Amazon through the FBA program. The seller sends products to Amazon warehouses for order fulfillment. Amazon stores the inventory until a customer places an order. Then Amazon picks, packs, and ships the order." See <https://sell.amazon.com/fulfillment-by-amazon>

Whether an FBA seller or not, Target can still track sales of "Hot" products via the SKU numbers which designate C&D's products. The tracking software can provide a retailer like Target the classification, size and color or print of what is selling, i.e. "Hot". This software does not only work for Amazon, it works on most e-commerce platforms.

Here are some examples of this tracking software and the process:

<https://www.intelligence-node.com/blog/all-about-incompetitors-accurate-data-tracking-technology/>

"To begin, product movement is tracked through the proprietary visibility algorithm, which crawls using competition SKU codes among other numerous attributes such as price, product description, color, material, style, pattern, and any distinctive features or specifics the algorithm can use to create matches. Next, via the Exact & Similar Match algorithm, each product is given a score to distinguish a variety of matches as either an Exact Match or a Similar Match. This allows brands to draw comparisons between competing products and brands in the same sector, and monitor the products performing well on competitor websites.

Unlike most tracking programs and services, Intelligence Node is able to offer more refined, in-depth analyses and insights by presenting brands



with actual competitor SKU comparisons apart from selling trends, product launches and assortment gaps which are common stances when it comes to a competitor benchmarking product.”

<https://www.ecomengine.com/blog/sku-data>

A company called RestockPro also tracks an item’s popularity by monitoring ranking, twelve-month sales history, and sales velocity. Target’s team can also view supplier costs as well as estimated fulfillment and shipping fees, offering a 360-degree view of each item in stock. Here is an excerpt from RestockPro’s brochure:

“Integrate Competitive SKU Data into Your Inventory Decision Making

With RestockPro, you can make faster, smarter inventory decisions. Know exactly what and when to restock, decide when it's time to drop a product, and even enhance your pricing strategy. Monitor the SKU data that is most important to your business, without wasting hours of time doing manual research”

Now, instead of manually checking Amazon listings and multiple spreadsheets, a company like Target can gain instant access to everything it needs to assess the competition.

Here, beginning in late 2015, Design No. 1 was made available for sales to consumers in retail stores. [PX 10; PX 15] Further, C&D distributed its “i love you” brand of garments through internet platforms, including its own website www.catanddogma.com [PX 9] and Amazon.com. [PX 8] For several years beginning in 2015, C&D also attended industry trade conferences to showcase their “i love you” designs. [PX 14] It is therefore my opinion that C&D’s designs were made widely available in the United States market beginning in 2015 and extending through the present.

Target did not introduce its own line of knock-off baby garments featuring the “i love you” graphic until February 2019, more than three years after C&D first went to market with Design No. 1 [PX 29] and over two years after C&D went to market with Design No. 2. Thus, I conclude that Target had access to C&D’s designs before it went to market with its own knock-off items which, as shown below, are virtually identical to C&D’s works.

3. SIMILARITIES BETWEEN C&D'S DESIGNS AND TARGET'S GARMENTS

I have been asked to conduct a forensic analysis which juxtaposes the design components of C&D's designs with those of Target's alleging infringing designs. A simple visual side-by-side comparison between C&D's design on the left and Target's design on the right reveals that the designs are virtually identical.



Identical Style of Typeface

In terms of the graphic artwork, the typefont, sizing and spacing utilized by Target's garments are essentially identical to the typefont, sizing and spacing employed by C&D's designs. Both C&D and Target feature lowercase, cursive typefont that provide the same overall visual impression. From both a visual and emotional perspective, Target's font is almost a direct replica of C&D's typefont with only slight differences that can only be discerned upon close inspection.

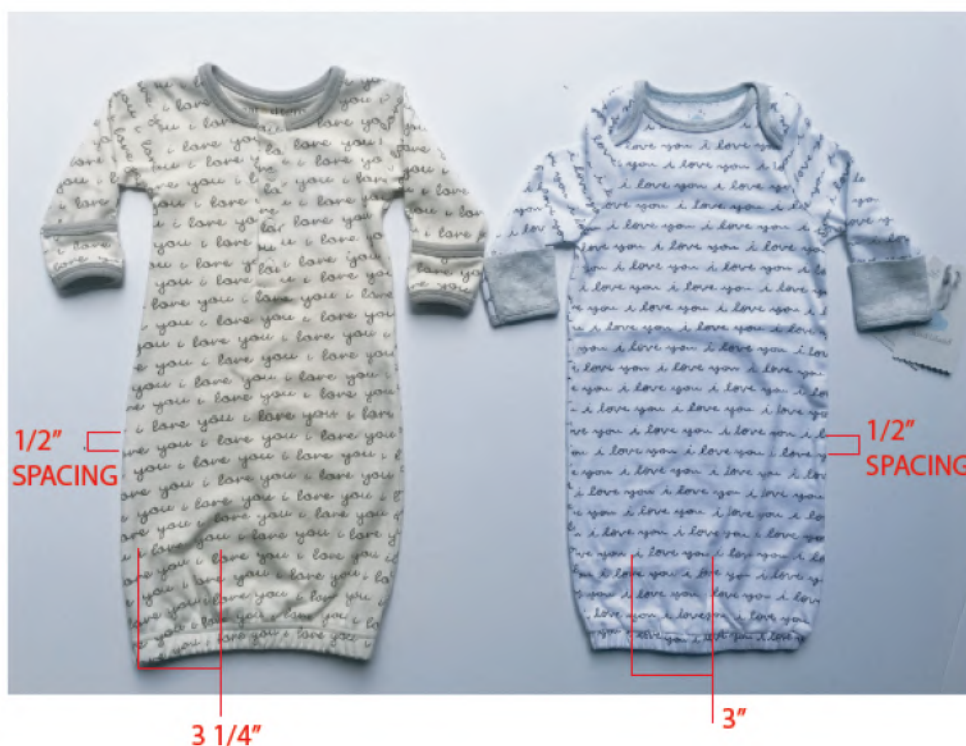
Identical Repeating Horizontal Line Configuration

Target has also employed the identical manner of using horizontal repeating lines to display the "i love you" phrase over and over throughout the garment. Even more striking is the fact that for both C&D and Target, the spacing between each horizontal line is identical at one half inch ($\frac{1}{2}$ ").

For Target's products, the complete "i love you" phrase measures at three inches (3") total, whereas C&D's "i love you" phrase measures at three and one-quarter

inches (3 ¼" inches) total, which is only a one-quarter of an inch (¼") difference between the phrases.





C&D Text	Target Text
<i>i love you</i>	<i>i love you</i> !



***SPACING IS ACCURATE TO THE
ACTUAL GARMENTS PROVIDED.**

Virtually Identical Spacing Between Letters

Further, the spacing between each word contains a mere one eighth of an inch (1/8") difference when comparing Target's design to C&D's design. C&D has one quarter inch spacing between each word (¼") whereas Target has one eighth of an inch (1/8") difference.

C&D Text	Target Text
<i>i love you</i>	<i>i love you</i>
 <i>i love</i>	 <i>love you</i>
 <i>i love</i>	 <i>love you</i>

*SPACING IS ACCURATE TO THE
ACTUAL GARMENTS PROVIDED.

Virtually Identical Size and Scale of Typefont Letters

When comparing C&D's design to Target's products, the measurements of the typefont and spacing of the individual letters are virtually identical, suggesting that it's impossible that Target could have created such design independently or as a mere coincidence. Most of the letters used in the "i love u" phrase employed by Target have the exact same height as the letters used by Target, with only slight variation in terms of width.



- TARGET "I": same cursive curl writing as C&D "I"
- TARGET "L": same height as C&D "L"
- TARGET "O": same height as C&D "O"
- TARGET "V": same height and width as C&D "V"
- TARGET "E": same height as C&D "E"
- TARGET "Y": same height as C&D "Y"
- TARGET "O": same height as C&D "O"
- TARGET "U": same cursive curl writing as C&D "U"

C&D Text		Target Text	
<i>i love you</i>		<i>i love you</i>	
1/4" W x 1/4" H	<i>i</i>	<i>i</i>	3/8" W x 1/2" H
1/4" W x 3/8" H	<i>l</i>	<i>l</i>	1/2" W x 3/8" H
3/8" W x 1/4" H	<i>o</i>	<i>o</i>	1/4" W x 1/4" H
1/4" W x 1/4" H	<i>n</i>	<i>v</i>	1/4" W x 1/4" H
3/8" W x 1/4" H	<i>e</i>	<i>e</i>	1/4" W x 1/4" H
1/4" W x 3/8" H	<i>y</i>	<i>y</i>	1/2" W x 3/8" H
3/8" W x 1/4" H	<i>o</i>	<i>o</i>	1/4" W x 1/4" H
1/2" W x 1/4" H	<i>u</i>	<i>u</i>	3/8" W x 1/8" H

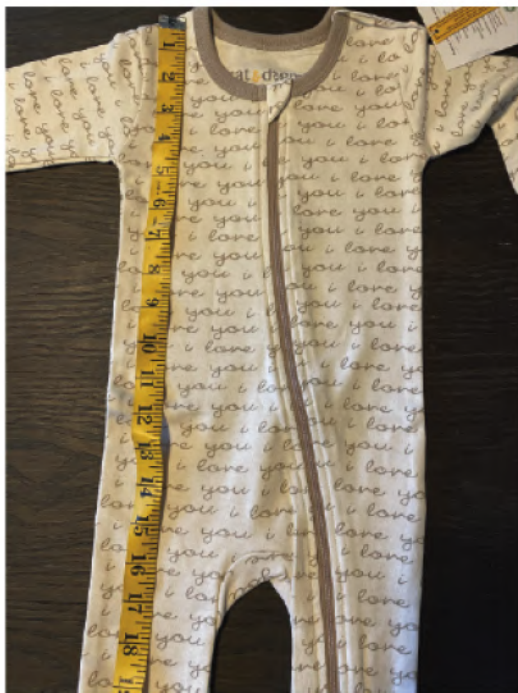


Virtually Identical Phrase Repetitions

Finally, as illustrated below, the repetition count of the "i love u" phrase is also virtually identical when comparing C&D's designs to Target's designs.

[next page]

C&D Text	Target Text
<i>i love you</i> !	<i>i love you</i> !



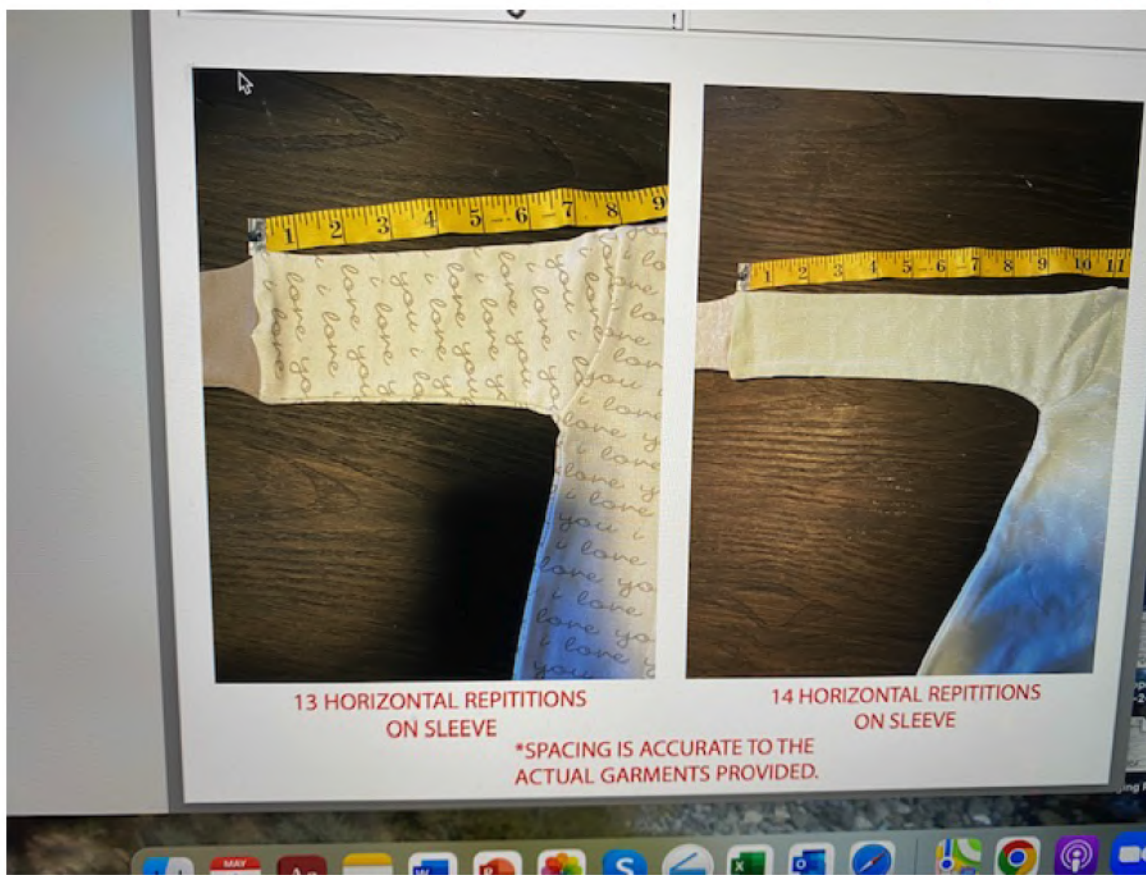
40 HORIZONTAL REPETITIONS
ON BODY



32 HORIZONTAL REPETITIONS
ON BODY

*SPACING IS ACCURATE TO THE
ACTUAL GARMENTS PROVIDED.

[next page]



CONCLUSION

Based on the foregoing, it is my expert opinion that C&D's registered designs are original in terms of their graphic layout and arrangement within the context of children's fashion garments. Artwork inspires impressions in the minds of consumers and C&D's designs decidedly evoke an emotional response to the phrase "I love you" displayed in a unique manner and style on a series of baby clothes.

It is evident that Target had prior knowledge of the market performance of C&D's "I love you" designs via methods explained in the access part of this report. It is also this expert's opinion that Target "reverse engineered" C&D's designs with the intent to capitalize on the widespread market appeal of C&D's original garments, which had been distributed in the United States for more than three years before Target went to market with its own line of knock-off products. With advances in software technology and tracking databases, independent retailers cannot maintain confidentiality regarding the market success of their products. With nothing more than access to the internet, Target can farm the sales data of its market competitors to determine what's "Hot."



With respect to actual copying, my forensic analysis demonstrates that Target's knock-off designs are virtually identical in all respects to C&D's designs. With the exception of some trivial modifications which were intended by Target to avoid infringement litigation, it is evident that Target's knock-off items still evoke the same overall aesthetic appeal of C&D's pre-existing designs.

Respectfully Submitted by:

Valerie B. Cooper



HEART-HUNTERS
Consulting

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Respectfully Submitted by:

Valerie B. Cooper Valerie B. Cooper



EXHIBIT A

MATERIALS REVIEWED

Ex.	Document Title	Bates-Stamps Nos.
PX 1	Plaintiff's Second Amended Complaint w/ Exhibits	n/a
PX 2	C&D Handwritten Design	CD_0029-30
PX 3	C&D "i love you" Text	CD_0028; 570
PX 4	C&D "i love you" Collection	CD_0036; 40-43; 569
PX 5	C&D Marker Report	CD_0571-572
PX 6	C&D CAD Files	CD_0573-601
PX 7	Photos of C&D Finished Garments	CD_0559-560; 562; 619-621
PX 8	C&D Sales on www.amazon.com	CD_0031-33; 549-551; 624-631
PX 9	C&D Sales on www.catanddogma.com	CD_0034
PX 10	Stores That Ordered C&D's ILY Design	CD_0247-253
PX 11	Photos of C&D Manufacturing Process	CD_209-239
PX 12	2015 News Article re: Cat and Dogma	CD_0047-52
PX 13	2021 FAST COMPANY Article re: Target's Knock-Off Practices	CD_674-688
PX 14	C&D Instagram Posts	CD_0053-75; 77-96; 98-208
PX 15	Copyright Registration Materials – Design No. 1	CD_0002-12; 715



Ex.	Document Title	Bates-Stamps Nos.
PX 16	Copyright Registration Materials – Design No. 2	CD_0024-27; 553-555; 563-568
PX 17	Side-by-Side Photographic Comparisons	CD_0001; 557-558
PX 18	Target Website Sales	CD_0035, 37-38; 240- 246; 556, 561; 705-706; 708
PX 19	Target’s Corporate Background	CD_0606-608
PX 20	C&D’s Background	CD_0609-611
PX 25	DCPI Excel Spreadsheets (Produced by Target)	TARGET_CD_0080-85; 521-522
PX 26	Target’s “i love you” Text	TARGET_CD_0066-67; 86
PX 27	Photos of Target’s Garments	TARGET_CD_0087-92; 77-79; 505-506
PX 28	Photo of Target’s Packaging	TARGET_CD_0511
PX 29	Target’s Product Descriptions	TARGET_CD_93-99; 499
PX 30	Target’s Website Sales	TARGET_CD_500-504
PX 32	Target Financial Spreadsheets	TARGET_CD_0073-76; 495-498
PX 34	C&D’s Photos of Various C&D Garments and Target Garments	CD_739-756
PX 35	C&D’s Photos of Target’s “Tight Fit Sleep N’ Play” Garment	CD_0757-768
PX 36	C&D’s Technical Measurements Comparing C&D’s Graphic Artwork to Target’s Graphic Artwork	CD_0769-771; 783-793; 795-800



Ex.	Document Title	Bates-Stamps Nos.
PX 37	C&D's Framed Artwork Demo	CD_0780-781; 793-794
PX 39	C&D Purchase Orders	CD_0258-548; 552
PX 46	Photos of Target's Garments (photographed at Target's Counsel's Minneapolis office)	TBD
PX 47	Fifth Circuit's Decision in <i>Cat and Dogma, LLC v. Target Corp.</i> , No. 20-50674, dated October 8, 2021	n/a



EXHIBIT B

Valerie Cooper CV

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EDUCATION

- 1974- 1975** **Attended Santa Monica City College, California. Took basic requirement classes with main focus on commercial sewing. Los Angeles is a garment center, SMC had an extensive commercial sewing program at the time. This was before most of the production went off shore. The Fashion Institute of Design and Merchandising came to recruit at SMC.**
- 1975- 1977** **Associate Degree in Fashion Merchandising from The Fashion Institute of Design and Merchandising, Los Angeles, California. My course study included design classes as well as merchandising. I was a member of F.A.M.E. Fashion Achievement Merchandising Excellence. F.A.M.E. was an honor and service organization. I graduated with the President's Award in Merchandising in 1977.**
- 1978** **Attended a series of workshops at the Hong Kong Trade Center in Hong Kong. The workshops included quotas, export logistics, protocol, and agent relations.**
- 1980** **Columbia University, New York City. I audited a series of lectures on trade relations for the garment industry. I was also a member of a discussion panel for quota regulation for the garment industry.**
- 1980-2016** **I continue to attend industry-related workshops and audit classes whenever I am in a place that offers them. I am currently participating in online tutorials and webinars on industry time studies and foreign labor relations.**
- Studying and working with environmentally sustainable & socially compliant garment manufacturing alternatives. Attending lectures and workshops on an ongoing basis to bring my clients the latest and most progressive findings in these matters. Doing R&D on new spin-knit technologies. Developing new avenues for global and domestic supply chain management. Learning best practices for reducing carbon footprint and water conservation. Education on protection of the aquifer and grey water irrigation for sustainable organic cotton farming in the USA. R&D on clean and low-water usage in dyeing processes, recycling as much as possible for re-use in irrigation.**

WORK EXPERIENCE

- 2018-2021** HHC continues to work on re-shoring, adding more and more domestic support services and factories. We still have strong socially compliant factories offshore as well, and continue to stress sustainability and green options for our industry. We are offering full onsite QC services in Los Angeles, as well as providing full package domestic programs for all size brands. I am working with grassroots, emerging designers, and we are developing custom grade rules and doing R&D on new fabrics. HHC is able to offer small batch production for higher price points.
- 2016-2017** HHC was project lead on OMO project (Ozark Mountain Outfitter) brand, on the Walmart re-shoring tee shirt program. We helped bring those jobs home; we cut, sewed, and screened over 55,000 high quality tee shirts in Los Angeles. Even with the rise in wages in California, we were able to produce an outstanding garment in fully licensed CA factories.
- HHC was able to bring our years of experience to the table, and put a dream team of players together for this project. We were able to help our client, OMO, prepare and pass the high standards and testing required for Walmart's testing at CTL (Consumer Testing Labs). This is not a widely known fact, but Walmart requires all vendors to pass extremely rigorous ASTM standards. All fabrics were also milled and dyed with environmentally compliant standards. CTL also requires that all labels and packaging be environmentally compliant as well.
- 2015-2016** HHC accepted the position of ambassador for the Corizon project and focus group. Corizon is a state-of-the-art spin-knit machine from Terrot. I have been working closely with national and international brands on special R&D projects at NCSU involving the new Corizon technology. Please see my website for more details.
- Continue to develop strong ties with environmentally and socially compliant knit textile mills in India with GOTTIS and ISO9000 certifications.
- 2015** HHC continues to build strong product development and production capabilities in the Dallas - Fort Worth area. We have a wonderful hands-on, state-of-the-art team there. We have full pre-production/ cut-and-sew as well as screening and sublimation capabilities. Dallas is a great place to see the re-shoring process really taking hold.

2014 HHC is continuing work with different law firms and Forensis Group on more expert witness cases. We are also doing investigative work on some of these projects as well.

During the past year HHC is working on developing new proactive quality control and quality assurances programs. This new program focuses on finding the origin and root of the quality problems and taking corrective actions.

Textile research and development is an ongoing project for HHC. New technical fabrics for active wear and the medical industry. We are always working on finding and developing new sustainable textiles. I am always working on locating and developing new green and recycled textiles. I am working one on one with many of my clients developing new textiles and blends to create cutting edge products.

2012-2013 HHC is spending more time in the USA working with American factories helping to streamline production problems. We are proud to be working with Jim Suzon one of the finest production engineers in the United States. Jim also works with HHC helping with off shore production management.

Some of the new projects this year are Men's Suite factory restructuring North America/ China. Uniforms and sports apparel production restructuring an analysis North America .

HHC is doing more and more one on one special study with USA based companies that what to keep their people at the top of their game. Quality assurance and vendor compliance is one of the biggest concerns.

HHC is still building strong ties with Europe based production.

HHC is also proud to announce that HHC is being used as an expert witness for the Forensis Group for industry related disputes. HHC is open for any expert witness work of this type.

2011-2012 Continued to work with and locate more US-based factories to service HHC clients that wish to manufacture domestically.

Continued to learn more about CBM (computer based methods) software to offer clients state-of-the-art options in: Customer file management, Style cost-sheets, Order-processing, Cutting tickets & WIP, Bill of materials, Purchase orders, production & tracking, Order allocation, Picking tickets, Warehouse management, Invoicing, Credit card processing, Case pack, Factored & non-factored A/R, RMA & credits, Inventory-control Sales commissions, Licensing & royalties, Automated UPC assignments, In-house integrated EDI Scan & Pack, Quick Books integration, WebLink online wholesale cart Remote order entry, EasyShop online retail cart.

Went to South Korea and met with KOTRA (Korean Trade - Investment Agency) to learn about all the aspects of the upcoming, now-in-place trade agreement. The South Korean economy is strong and US-made goods are in high demand. Worked with SK based factories to establish strong working relationships for clientele that wish to take advantage of duty-free export opportunities.

Heart Hunters Consulting has now partnered with Blueberrybook U.S.A., with offices in Guangzhou China and California. HHC is now able to offer consulting clientele an on-task quality assurance team working in the field with socially compliant factories. BBB is Disney-approved for jewelry and metal based hard -lines. I have worked on the Han Cholo / Tron Disney project. We are working with a Flud / Disney jewelry collection as well, and are in the process of working with a Hello Kitty Jewelry collection.

Worked with Trident Support on making flags for the world's largest flag poles in Dubai. Scope of work included: Exploratory Phase: Define the nature of this endeavor. This will require working together to determine the plant size requirements, machinery, design of industrial flags, materials (sourcing), process design, & work flow. Sourcing Materials, Equipment and Plant: Identify flag material that works. Sourcing equipment and sewing machines. Identifying shop requirements such as electrical, space requirements and water usage, identify construction and design requirements such as graphic, appliqué, digital printing, silk screening, etc. Work still in process: Setting up the Workshop, Sampling and Testing, Setting up workshop of factory, positioning of machinery, operator training, sample production, testing of new design, finishing and logistics. Plant Design: Set up the workshop to optimize flow and expandability, Research and Development: Patent for new textile for flag.

Expert witness on domestic and offshore case. Served as expert witness in case involving failure of a joint venture to design and

manufacture of apparel. This involved a complex understanding of adherence to textile testing standards and manufacturing standards. This project also addressed many aspects of wip (work in process) inspection and before- shipping inspection methods.

- 2010-2011** Heart Hunters Consulting & myself are proud to announce the introduction of the L1 /Cotton & L1/Tencel knit PFD low minimum open stock knit textile program coming in spring of 2011. I went to Switzerland In July of 2010 to continue the R & D on this wonderful cutting edge green Chemistry process textile project. The bamboo fiber comes from Litrax. The yarn is now being spun in Italy with R & D being conducted with spinners in America. The mill doing the test runs and production is American Fabrics out of Greensboro, NC. This project is a fine blend and balance of green European engineering and American technology.
- 2001-2009** As of October 2009 I have been named to the executive committee of Litrax. Litrax is a Swiss company that is looking to put the ‘green’ back in bamboo. I will continue to run my consulting business as always. My work with Litrax will only help to offer my clients more possibilities for sustainable manufacturing. If you would like to read more about Litrax here is a wonderful write up that was done in 12/09 in California Apparel News [Sustainable by Design](#).
- President of Heart-Hunters Consulting. Heart-Hunters Consulting offers full service consulting to the garment Industry. Jordan Crowson Couture and Vogue Italia are our in-house projects.
- 2001-2006** Instructor in The Apparel Studies Program at The University of Arkansas, Fayetteville. I taught Introduction to Apparel Production, Quality Assessment and Visual Merchandising. Northwest Arkansas is the home of Wal-Mart. Many of my students are placed with Wal-Mart’s product development division. I have developed and fine-tuning a series of workshops in my Quality Assessment class. I hope to have these workshops published and offered as a workbook to be used in universities, colleges, and corporations.
- Freelance consultant and fashion designer for garment industry. The areas that I consult on are sourcing and manufacturing logistics. I have consulted and worked with Merv Brody since 1979. Merv Brody is now the President of Vogue Italia, Inc., in Fort Lauderdale, Florida. I consult on logistics and sourcing for Vogue Italia’s own private label and other firms for which Vogue Italia does sourcing and manufacturing. Styles are researched in Italy. Sourcing and

manufacturing are done in Japan, China, Turkey, Dominican Republic, Panama, and Romania.

All vendors who sell to Wal-Mart must maintain a physical presence in Northwest Arkansas. Brent-Riordan Inc. of Fayetteville, Arkansas sources for many of these vendors. They also source for many other firms that are not Wal-Mart related. I consult with Julie Brent on sourcing and manufacturing logistics

In 2004 and 2005, I supervised the Pretty in Pink Charity Fashion Show for The Susan G. Komen Breast Cancer Foundation. In 2004, \$100,000 was raised from the ticket sales and silent auction proceeds. In 2005, \$150,000 was raised. Jordan Crowson designed 35 couture gowns for each show. He is my student and intern. I advised and supervised the production of the gowns and helped choreograph the fashion show.

- 1992-2001** In 1992, I moved to Anderson, Missouri to get married. During the time I spent in Missouri, I freelanced as a fashion designer and did consulting for Merv Brody. I had my own line of art to wear, and do multimedia assemblages on wood and canvas. My assemblages are hand-painted, silk sculpture. I did web design and had a website that I created that showcased my clothing and art.
- 1990-1992** Freelance, fashion designer, art-to-wear consultant for Italian Designer Labels of Big Sur, California and Boca Raton, Florida. I also did private label freelance work for Sally's Boutique in Carmel, California.
- 1986-1990** Manager for off shore and domestic production/retail operations Italian Designer Labels, Boca Raton, Florida. I.D.L. was owned by Merv Brody. This company is now called Vogue Italia. I.D.L. sold designer Italian active wear at discounted prices. They did direct importing and some of their own private label goods. I worked with domestic and off shore production, agents, and customs. I also worked on merchandising and operations for their 10,000 sq. ft. warehouse. The warehouse was wholesale to the public.
- 1980-1986** Managing Supervisor - Designers Factory Exchange (DFE), Kendal, Florida. Designer Factory Exchange's 3,000 sq. ft. store was leased from Daymon Designs 10,000 sq. ft. warehouse. D.F.E. was operated out of the front of the Daymon Designs warehouse in Miami, South West Dade County, Florida. D.F.E. manufactured and sold women's ready-to-wear under its own private label. It also sold discounted American and European designer label clothing and handbags. It was

one of the first companies to open this type of operation. In 1982, some of my designs were manufactured and retailed by D.F.E. D.F.E.'s other purpose was to manage the remaining 7,000 sq. ft. warehouse space that was sectioned off behind the retail store for Daymon Designs. Daymon Designs was based out of Panama. It was the licensee for Loris Azzaro men's shirts in the United States and the licensee for Van Heusen shirts for Central and South America. Merv Brody owned D.F.E. and was under contract to manage Loris Azzaro label in the United States (i.e. warehouse, shipping, sales, trade shows, and customer service). D.F.E. was also a retail outlet for Loris Azzaro's men's shirts. Daymon Designs' main office was in Panama in the Free Zone.

My job responsibilities included getting the goods out of customs, working with contractors (domestically and off shore), locating discounted designer labels for the retail operation, getting Loris Azzaro shirt samples ready for trade shows, helping set up trade shows, making sure goods were shipped on time, customer follow up, and helping run the retail outlet. D.F.E. also carried my freelance designs under its private label.

1979-1980 Vice President of Operations and Sales, Informalities by Oleg Cassini Target Sportswear, Men's Outerwear, New York. I helped supervise production in Hong Kong and worked with the contractors until we achieved the quality and price we wanted. Styles were researched in Italy and manufactured in Hong Kong and the New Territories. I also worked with key accounts in showroom during market and helped set up trade shows. Target Sportswear lost the Oleg Cassini license in 1980 after a bitter battle with another licensee, Burma, which held the license for Oleg Cassini golf jackets. It was a wonderful learning experience. Merv Brody was President of Informalities by Oleg Cassini, and this was the beginning of a life-long business association.

1978-1979 Director of Sales and Production for Design U.S.A., a division of Jac Mar Sales, Alhambra, California.

Designs U.S.A. made uniforms for the fast food industry. My job was to work with the contractors in Hong Kong and Los Angeles. I did a lot of selling, and I put together a direct mail program.

In 1979, I also taught an import export class at my alma mater, The Fashion Institute Of Design and Merchandising in Los Angeles, California.

1977-1978 Bullock's Department Stores, Palo Alto, California – Executive Training